

Application No. 09/839,427

Attorney Docket G-1

REMARKS

Rejections under 35 U.S.C. § 112:

According to the Office Action, claims 36 and 37 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended these claims to further define the closed and open positions as being the first and second positions respectively as recited in claim 1. Reconsideration and withdrawal of the rejection is respectfully requested.

Additionally, Applicant requests withdrawal of finality of this Office Action because the above referenced rejection has not been presented until this time. However, in an effort to pass this case onto allowance Applicant has amended claims 36 and 37 as indicated above in an effort to facilitate prosecution of this application.

Rejections under 35 U.S.C. §§ 102 & 103:

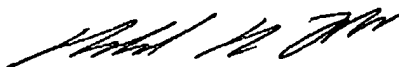
Applicant has collapsed claim 63 into claim 59. Claim 63 had been indicated as being allowable. Accordingly, Applicant believes claim 59-62 are now allowable. Reconsideration and withdrawal of the rejections is requested.

Application No. 09/839,427

Attorney Docket G-1

Entry of this amendment is respectfully requested. Should the Examiner have any questions regarding this case he is respectfully urged to telephone the undersigned at the below listed number.

Respectfully submitted,



Richard R. Batt
Reg. No. 43,485

Date: 26 OCTOBER 2004

ArthroCare Corporation
680 Vaqueros Ave.
Sunnyvale, CA 94085-3523
(408) 736-0224